

FILED

1996 OCT 29 PM 1:06

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

1996 NOV -3 PM 3:30

US EPA RECORDS CENTER REGION 5



471675

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MASTER METALS, INC.,

Defendant.

CASE NO. C87-1471

HON. GEORGE W. WHITE

ORDER


This matter is before the Court on the United States of America's Motion to Dismiss Master Metals' 1992 Petition Pending Before the Court (Dkt. # 64) on the grounds of mootness. Defendant filed a Petition Invoking Defendant Master Metal, Inc.'s Right to Dispute Resolution wherein it sought to challenge the imposition of \$1,593,000.00 in penalties as a result of its numerous violations of the Consent Decree entered into on January 15, 1990. The United States opposed Master Metals' Petition, Defendant filed a Reply Brief

and the matter remained pending before the Court<sup>1</sup>.

After the matter was fully briefed, Master Metals entered into an agreement with the Ohio Environmental Protection Agency wherein Master Metals agreed to discontinue operations. At the subsequent request of the United States, Master Metals revoked all of its environmental permits, so that it can never legally reopen without reapplying for and obtaining all of the necessary permits.

Upon due consideration of the facts outlined above, Master Metals' representation to the United States that it is insolvent and the United States' position that it no longer seeks the imposition of \$1,593,000.00 in stipulated penalties, the Court grants the United States Motion to Dismiss Master Metals' petition. Accordingly, Defendant's Petition Invoking Defendant Master Metal, Inc.'s Right to Dispute Resolution is dismissed based on mootness.

IT IS SO ORDERED.

  
George W. White  
Chief Judge  
UNITED STATES DISTRICT COURT

---

<sup>1</sup>This matter was originally assigned to the docket of former Chief Judge Thomas J. Lambros, United States District Court, Northern District of Ohio. Since Chief Judge Lambros's retirement from the bench, the matter is now before this Court.

VeZNER

ROUTING AND TRANSMITTAL SLIP

Date 11/18/88

TS: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Nancy Spencer DOJ		
2. Stu Herrl USEPA - Chi		
3. Peggy Fenton, DOJ Case Mgt.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Order dismissing Morter Metals' petition on grounds of mootness.

With this order, we are closing our files on Morter Metals N.D. Ohio Case No. C-87-1471.

Thanks. Curt Harris

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

Print Name and Grade (if government)

Room No. - Bldg.

*Curt Harris*

Phone No. 622-3774

OPTIONAL FORM 41 (Rev. 7-76)

5010-101-01-300